



# MONTANA LEGISLATIVE BRANCH

## Legislative Fiscal Division

Room 110 Capitol Building \* P.O. Box 201711 \* Helena, MT 59620-1711 \* (406) 444-2986 \* FAX (406) 444-3036

Legislative Fiscal Analyst  
CLAYTON SCHENCK

TO: Legislative Finance Committee

FROM: Lorene Thorson

DATE: May 16, 2002

RE: Budget Amendment 340

The department is requesting additional state special revenue authority of \$283,750 for fiscal 2002 for the inmate canteen fund. The department states that additional authority is needed to meet the increased demand at the canteen due to the higher prison population. In addition, the department has restricted the ability of inmates to obtain some items from outside vendors or family in an attempt to have more control over contraband. This has increased trade at the canteen. The department feels if canteen operations are curtailed, inmate unrest could cause an emergency situation.

Statute requires that an emergency must exist to justify approval of a budget amendment for additional state special revenue authority. As defined in 17-7-102(6):

*"Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.*

The department is projecting there will be an emergency if additional state special revenue authority is not granted - but an emergency has not occurred and therefore does not meet the definition of "emergency" in statute.

In an effort to allow the canteen the ability to increase state special revenue authority without having to go through the budget amendment process, the department may present legislation to the 2003 legislature to change statute to allow the canteen an exemption from budget amendment law similar to the Historical Society in MCA 17-7-402(1)(a)(iv)

*(1) Except as provided in subsection (7), a budget amendment may not be approved: (a) by the approving authority, except a budget amendment to spend: . . . (iv) Montana historical society enterprise revenue resulting from sales to the public; . . .*